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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) 29103/36396A

In re Application of: Paul Starkey et al.

Application No.: 10/685,335-Conf. #1210

Filed: October 14, 2003

For: METHOD AND DEVICE FOR TREATMENT OF VARICOSE VEINS

The owner*, **FSK MEDICAL VENTURES, L.L.C.**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory terms of **prior patents** Nos. **6,635,023 and 6,074,356** as the term of said prior patents are defined in 35 U.S.C. 154 and 173, and as the terms of said **prior patents** are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patents** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patents**, "as the term of said **prior patents** are presently shortened by any terminal disclaimer," in the event that said **prior patents** later:

expire for failure to pay a maintenance fee;
are held unenforceable;
are found invalid by a court of competent jurisdiction;
are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
have ll claims canceled by a reexamination certificate;
is reissued; or
are in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 31,879

Signature — October 16, 2006 — Date

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01 FC:2253 ~~510.00 OP~~
02 FC:2814 65.00 OP

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☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 16, 2006 Signature: _____ (Jeffrey S. Sharp)